

ZILKA KOTAB

PC
ZILKA, KOTAB & FEECE™

95 SOUTH MARKET ST., SUITE 420
SAN JOSE, CA 95113

TELEPHONE (408) 971-2573
FAX (408) 971-4660

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From: Kevin J. Zilka		

Docket No.: SVIPGP003B

App. No: 10/691,057

Total Number of Pages Being Transmitted, Including Cover Sheet: 19

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Thank you,

Kevin J. Zilka

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March 3, 2005

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Kevin J. Zilka et al.

Application No. 10/691,057

Filed: 10/22/2003

For: NETWORK BROWSER GRAPHICAL USER
INTERFACE FOR MANAGING WEB
CONTENT

Group Art Unit: 2176

Examiner: Unassigned

Atty. Docket No. SVIPGP003B

Date: March 03, 2005

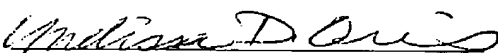
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Melissa D. Orvis

REQUEST FOR CONSIDERATION
PETITION TO MAKE SPECIAL
37 C.F.R. 1.102 and MPEP § 708.02(VIII)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper is in response to the DECISION ON PETITION TO MAKE SPECIAL mailed January 07, 2005. In such paper, it is stated that the petition filed May 3, 2004 fails to adequately meet the proper requirements for two reasons.

First, the paper purports that a copy of the Netscape Navigator v6.1 reference was not submitted with the petition nor was it previously made a part of the record. This is not the case. The Netscape Navigator v6.1 reference was filed in an information disclosure statement mailed May 3, 2004. Nevertheless, applicant submits herewith another information disclosure statement with a form PTO 1449, as suggested in the paper.

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Secondly, the paper asserts that applicant failed to provide a detailed discussion on how the claimed subject matter is patentable distinct over the Netscape Navigator v6.1 reference. The paper goes on to allege that the statement provided in the petition relating to the Netscape Navigator v6.1 reference is not sufficient to meet such requirement. Applicant respectfully disagrees with this assertion, since such prior art is deemed cumulative and/or less relevant with respect to the previous item. Nevertheless, such detailed discussion is set forth hereinbelow.

Following is the present petition to make special resubmitted for reconsideration.

1. Petition -- MPEP § 708.02(VIII)(A):

Applicant hereby petitions to make this new application special. This application has not received any examination by the Examiner.

2. Fee

The Office is authorized to charge fees for this petition to Deposit Account No. 50-1351 (Order No. SVIPGP003B).

3. Claims -- MPEP § 708.02(VIII)(B)

All of the claims in this case are directed to a single invention. If the Office determines that all of the claims presented are not directed to a single invention, then applicant will make an election without traverse as a prerequisite to the grant of special status.

4. Searches and Declaration -- MPEP § 708.02(VIII)(C)

As the undersigned practitioner, being duly registered to practice before the U.S. Patent and Trademark Office, I declare that a careful and thorough pre-examination search of the prior art has been made.

The following Examiners were consulted regarding an appropriate field of search. Their recommended search fields are also listed. These Examiners were contacted on March 29, 2004.

<u>Examiner</u>	<u>Search Field</u>
Raymond Bayerl	345/738, 739, 744, 745, 747, 760, 847 715/512
Dung Dinh	709/217, 218, 219
Marc Thompson	345/733, 738, 739, 747 709/217, 218, 219, 245

The search included the following classes and subclasses.

CLASS 345 COMPUTER GRAPHICS PROCESSING, OPERATOR INTERFACE
PROCESSING, AND SELECTIVE VISUAL DISPLAY SYSTEMS
Subclasses 733, 738, 739, 744, 745, 747, 760, 847

CLASS 705 DATA PROCESSING: FINANCIAL, BUSINESS PRACTICE,
MANAGEMENT, OR COST/PRICE DETERMINATION
Subclasses 1, 26, 27

CLASS 709 ELECTRICAL COMPUTERS AND DIGITAL PROCESSING
SYSTEMS: MULTIPLE COMPUTER OR PROCESS COORDINATING
Subclasses 217, 218, 219, 245

CLASS 715 DATA PROCESSING: PRESENTATION PROCESSING OF
DOCUMENT
Subclass 512

The PTO's EAST system was used to perform an all-class keyword search in the
USPAT, US PUB, JPO and EPO databases. In addition, non-patent prior art was also searched
using the ACM Digital Library and the IEEE Xplore search engine.

The resulting potential references were reviewed for their degree of relevancy to the
present invention.

5. Discussion of Related References --MPEP § 708.02(VIII)(D) and (E)

There is submitted herewith each of the references deemed most closely related to the subject matter of the claimed invention. See form PTO-1449 et al.

(1) Microsoft Internet Explorer v. 6.0, Released at least as early as August 2001

In Figure 1 below, Microsoft® Internet Explorer v. 6 is shown to include a plurality of identifiers adjacent to and/or separate from a window in which content may be browsed. The identifiers may be used to access previously stored links to content.

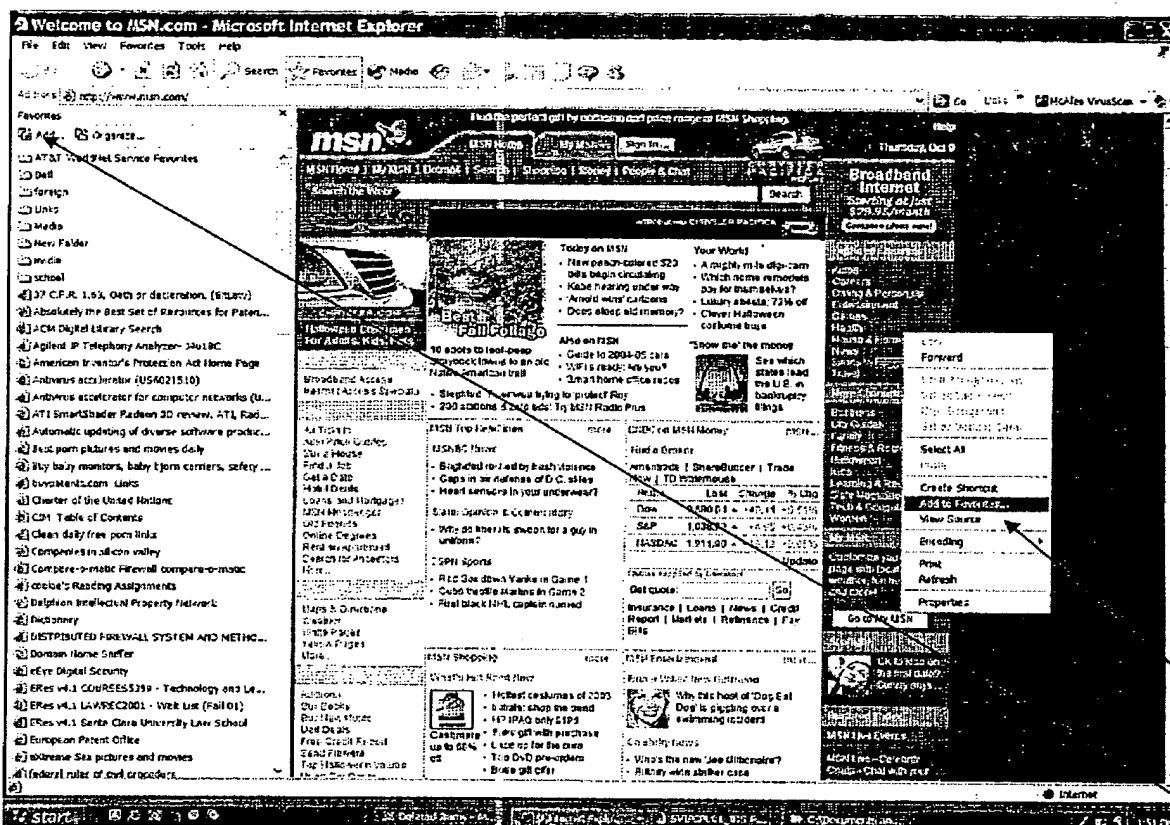


Figure 1

In order to store content that is currently displayed, however, one must select an "add to favorites" selection. See Figure 1, for example.

In response to such selection, a plurality of available identifiers is displayed for allowing a user to select one of the identifiers, in association with which the content may be organized. See Figure 2. So that the content itself is stored (and not just a link thereto), a “Make available offline” option may also be selected. Again, see Figure 2.

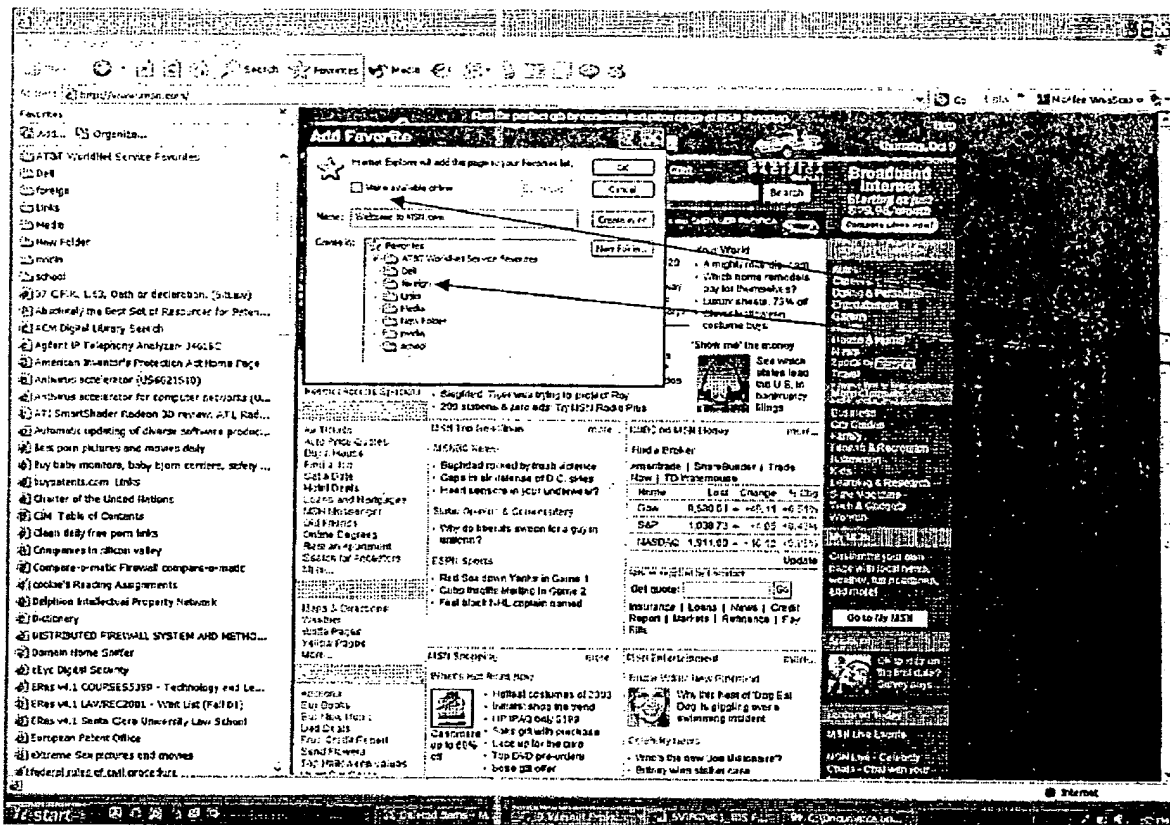


Figure 2

Thus, when a user wants to browse a network and store network content in association with one particular identifier, the user must “post-select” (i.e. select afterwards) the desired identifier using a menu (again, see Figure 2), for content to be stored in association with one particular identifier. Moreover, a “Make available off-line” option must be enabled.

This makes organizing and storing web content very cumbersome.

To overcome such deficiencies, applicant teaches and claims the ability to “pre-select” at least one of a plurality of identifiers. “[1]hereafter” or “after the pre-selection,” content may be

stored and correlated with the "pre-selected identifier." To this end, the cumbersome nature of the above prior art is avoided, since a user does not have to post-select an identifier when attempting to store content for offline use, in the manner described above.

The tremendous benefit of such clear distinction may be illustrated with an example of use. In the present example, imagine a user performing Internet research relating to fruit (i.e. apples, oranges, etc.). The user may wish to first research apples. In the context of the claimed invention, the user would first "pre-select" an identifier reflecting "apples." "[T]hereafter" or "after the pre-selection," while browsing, the user may simply select content relating to "apples" for storage and correlation in association with the "pre-selected identifier." Thus, the user **can** immediately continue his or her research on apples, **WITHOUT** having to "post-select" (i.e. select afterwards) the apple identifier in the cumbersome manner required in the abovementioned prior art. Similarly, after researching apples, the user may wish to then research oranges. In such case, the user may "pre-select" an identifier reflecting "oranges" and continue as set forth above, **WITHOUT** having to "post-select" (i.e. select afterwards) the orange identifier for orange-related content found during research.

Again, only applicant teaches and claims a "graphical user interface for use in association with a network browser," including the following (note emphasized language above in the specific context of the remaining claim language set forth below):

"a network browser window associated with a network browser for displaying Internet content associated with uniform resource locators (URLs) during network browsing;

a plurality of identifiers adjacent to and/or separate from the window in which the content is displayed;

wherein a user is allowed to pre-select one of the identifiers;

wherein, after the pre-selection, selected content associated with at least one of the URLs displayed during use of the network browser is correlated with the pre-selected identifier and stored."

Only applicant teaches and claims such a unique combination of features set forth above for the specific purpose of improving the manner in which Internet content may be stored.

(2) Netscape Navigator v. 6.1, Released at least as early as June 2001

In Figure 1 below, Netscape Navigator v. 6.1 is shown to include a plurality of identifiers adjacent to and/or separate from a window in which content may be browsed. The identifiers may be used to access previously stored links to content.

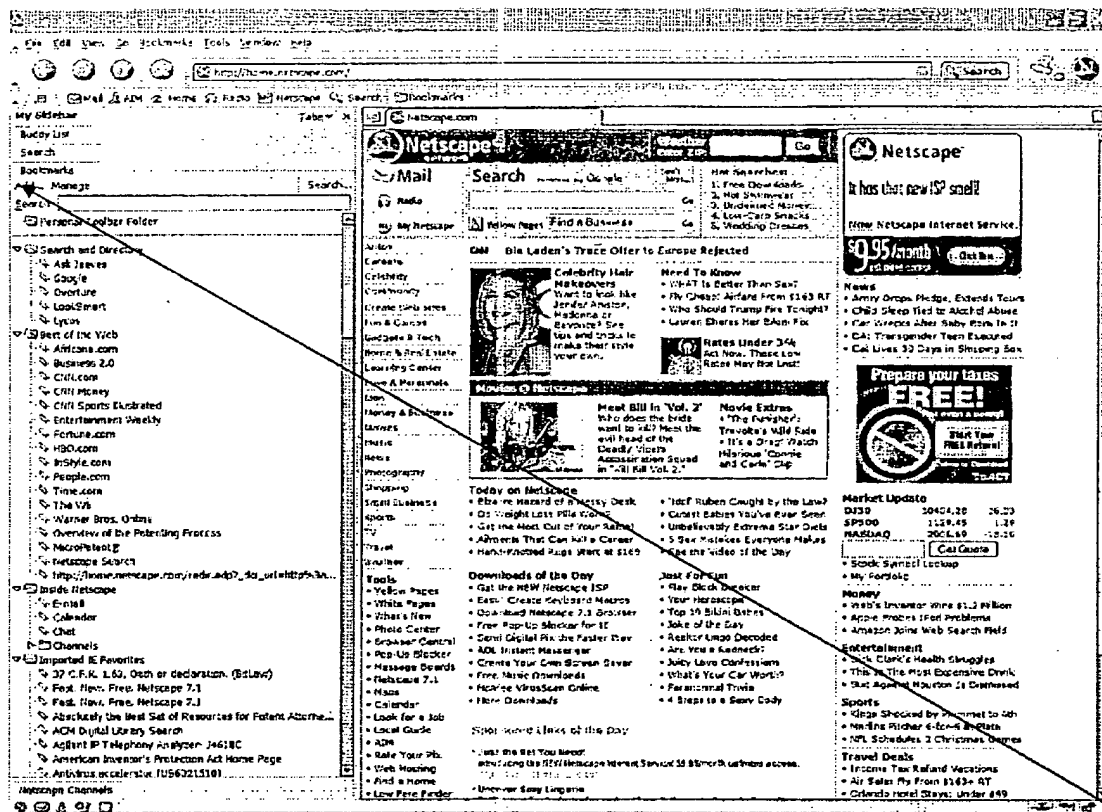


Figure 1

In order to bookmark content that is currently displayed, one must select an "add" icon. See Figure 1, for example. In response to such selection, a plurality of available identifiers is displayed for allowing a user to select one of the identifiers, in association with which links to the content (and not the content itself) may be stored and organized. See Figure 2.

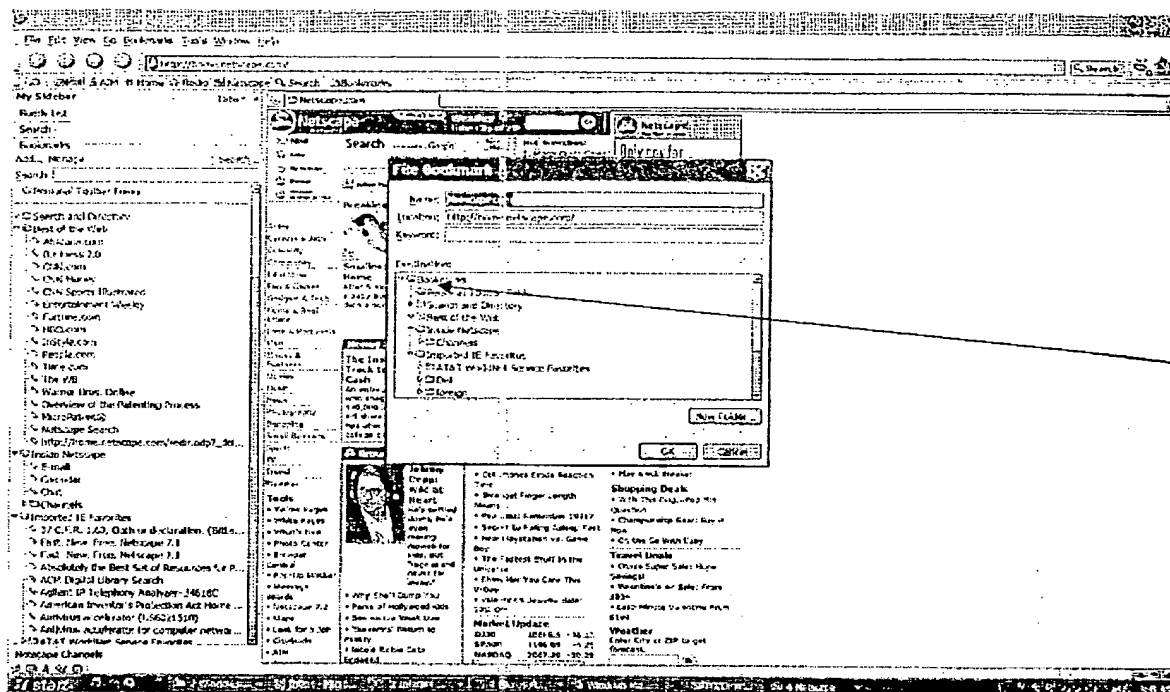


Figure 2

Thus, when a user wants to browse a network and store network links to content (and not the content itself) in association with one particular identifier, the user must “post-select” (i.e. select afterwards) the desired identifier using a menu (again, see Figure 2), for a link to be stored in association with one particular identifier. This makes organizing web content very cumbersome.

To overcome such deficiencies, applicant teaches and claims the ability to “pre-select” at least one of a plurality of identifiers. “[I]hereafter” or “after the pre-selection,” content may be stored and correlated with the “pre-selected identifier.” To this end, the cumbersome nature of the above prior art is avoided, since a user does not have to post-select an identifier when attempting to bookmark content, in the manner described above.

Still yet, the above reference is even less relevant with respect to the foregoing reference, since it does not disclose, teach or suggest “storing” the “content,” as claimed by applicant. Instead, such reference merely suggests storing “shortcuts,” or links to content on the Web.

(3) U.S. Pat. No. 5,877,765 by Dickman, issued March 02, 1999

This reference is titled "Method and System for Displaying Internet Shortcut Icons on the Desktop" and it teaches the following:

"Once the Internet document is displayed within the client area of the Internet explorer window 58, the user has a number of options for creating a shortcut to the document. ... When a user selects the "Add To Favorites . . . " menu option 78 or activates the "Add To Favorites . . . " button 84, an "Add To Favorites . . . " dialog 86 (FIG. 9C) is displayed. A list 92 lists the Internet shortcuts that are currently in the "Favorites" folder. The name of the page for which an Internet shortcut is to be added is listed in the Name text box 88. The user has the option of creating a different name for the Internet shortcut. When a user wishes to add an Internet shortcut for the current page to the "Favorites..." folder, the user activates the "Add" button 90." (see col. 6, line 49 through col. 7, line 17)

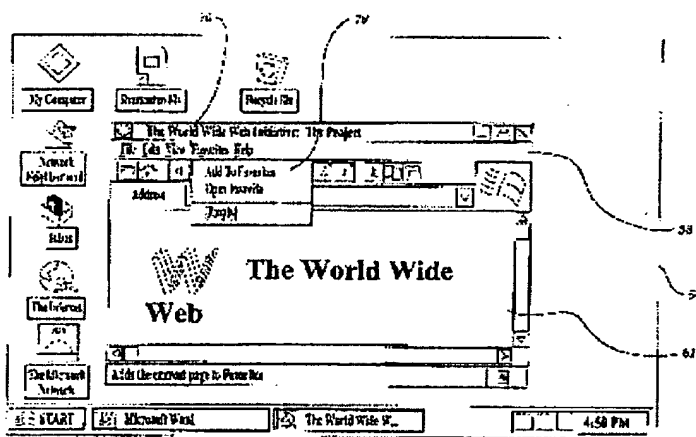


Figure 9A

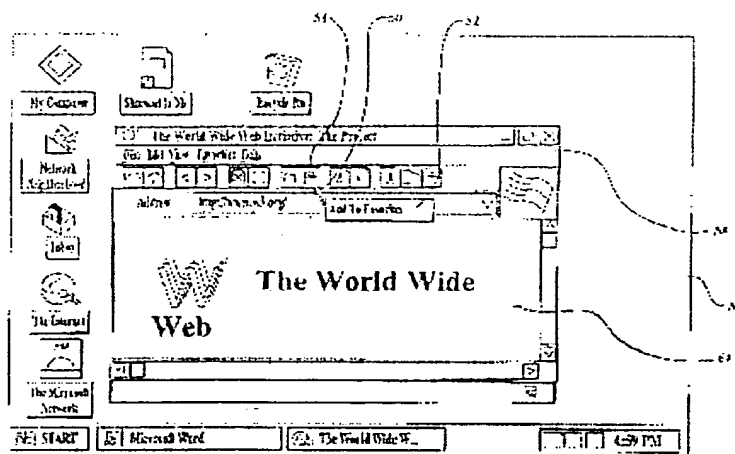


Figure 9B

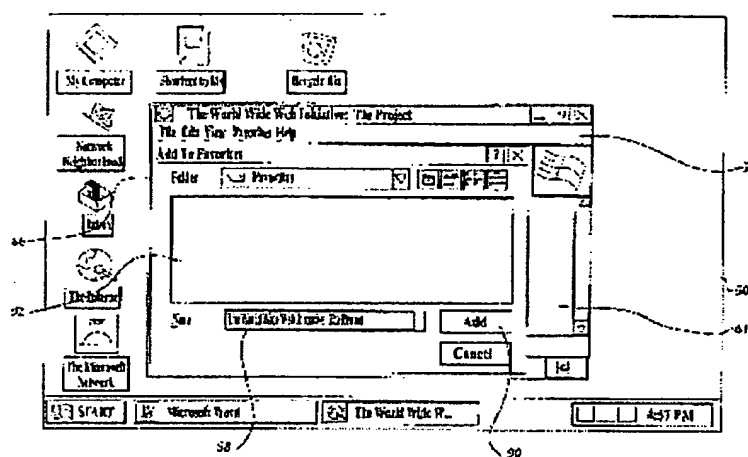


Figure 9C

In summary, during browsing, when a currently displayed page (see 61 in FIG. 9A above) is to be added as a favorite, the dialog menu (see 86 of FIG. 9C above) is displayed AFTER finding such current page for allowing the post-selection (i.e. selection afterwards) of a name identifier (see 88 of FIG. 9C above) to be correlated with the current page.

Thus, when a user wants to browse a network and store content in association with one particular identifier, the user must “post-select” (i.e. select afterwards) the desired identifier when a content link is to be stored in association with the particular identifier.

To this end, the present prior art fails to disclose, teach or suggest any sort of ability to “pre-select” at least one of a plurality of identifiers, such that “thereafter” or “after the pre-selection,” content may be stored and correlated with the “pre-selected identifier.” In contrast, FIG. 9C clearly shows that the user must “post-select” (i.e. select afterwards) the desired identifier when a content link is to be stored in association with the particular identifier.

Still yet, the above reference is even less relevant with respect to the foregoing reference(s), since it does not disclose, teach or suggest “storing” the “content,” as claimed by applicant. Instead, such reference merely suggests storing “shortcuts,” or links to content on the Web.

(4) Other Prior Art

The following prior art was carefully reviewed and determined to be, by far, less relevant and/or cumulative with respect to the above prior art.

Patent No.	Date	Patentee	Class	Sub-class	Filing Date
6,389,434	05/14/02	Rivette et al.	707	512	04/09/98
6,339,767	01/15/02	Rivette et al.	707	2	08/29/97
6,018,749	01/25/00	Rivette et al.	707	525	04/09/98
6,014,663	01/11/00	Rivette et al.	707	4	04/10/98
5,991,780	11/23/99	Rivette et al.	707	512	04/03/98
5,950,214	09/07/99	Rivette et al.	707	512	04/10/98
6,478,001	11/12/02	Burns et al.	123	90.41	12/18/01
5,991,751	11/23/99	Rivette et al.	707	1	06/02/97
6,263,314	07/17/01	Donner	705	1	03/03/00
5,999,907	12/07/99	Donner	705	1	12/06/93
6,018,714	01/25/00	Risen, Jr. et al.	705	4	11/08/97
6,154,725	11/28/00	Donner	705	1	03/04/97
5,159,334	10/27/1992	Baumert et al.	340	825.720	02/26/1991
5,737,560	04/07/1998	Yohanan	395	349	12/29/1995
5,778,256	07/07/1998	Darbee	395	892	09/04/1996
5,877,765	03/02/1999	Dickman et al.	345	349	09/11/1995
5,895,465	04/20/1999	Guha	707	4	09/05/1997
5,877,767	03/02/1999	Yohanan	345	357	02/20/1998
6,072,491	06/06/2000	Yohanan	345	349	12/01/1998
5,978,817	11/02/1999	Giannandrea et al.	707	501	03/21/1997
5,918,237	06/29/1999	Montalbano	707	513	09/30/1996

6,100,890	08/08/2000	Bates et al.	345	357	11/25/1997
6,108,651	08/22/2000	Guha	707	4	02/02/1999
6,189,024	02/13/2001	Bauersfeld et al.	709	203	01/06/1998
6,275,862	08/14/2001	Sharma et al.	709	245	01/06/1999
6,252,597	06/26/2001	Lekuge	345	353	02/14/1997
6,578,078	06/10/2003	Smith et al.	709	224	04/02/1999
6,437,527	08/20/2002	Rhodes et al.	318	280	06/15/2000
6,381,651	04/30/2002	Nishio et al.	709	245	12/15/1997
2002/0184095	12/05/2002	Scullard et al.	705	14	06/05/2001
6,601,173	07/29/2003	Mohler	713	201	07/06/1999
2002/0042841	04/11/2002	Nishio et al.	709	245	11/08/2001
2002/0196272	12/26/2002	Ramos et al.	345	738	03/29/2002
2002/0147742	10/10/2002	Schroeder	707	501.1	04/05/2001
2003/0016241	01/23/2003	Burke	345	733	07/23/2001
2003/0135820	07/17/2003	Aasman	715	500	04/13/2001

Document No.	Publication Date	Country or Patent Office	Class	Sub-class
02/059147 A2	01.08.2002	WO	C07K	14/00
01/84426 A2	08.11.2001	WO	G06F	17/60
01/84425 A2	08.11.2001	WO	G06F	17/60
01/84424 A2	08.11.2001	WO	G06F	17/60
01/84423 A2	08.11.2001	WO	G06F	17/60
01/73657 A1	04.10.2001	WO	G06F	17/60
00/60496 A2	12.10.2000	WO	G06F	17/00
00/60495 A3	12.10.2000	WO	G06F	17/60
00/52618 A3	08.09.2000	WO	G06F	17/30
00/11575 A1	02.03.2000	WO	G06F	17/30
02/086744 A1	31.10.2000	WO	G06F	15/16
00/75851 A1	14.12.2000	WO	G06F	17/60
01/54031 A2	26.07.2001	WO	G06F	17/60
00/60495 A2	12.10.2000	WO	G06F	17/00
98/55945 A1	10.12.1998	WO	G06F	17/30
00/52618 A2	08.09.2000	WO	G06F	17/60

6. Conclusion

Applicant believes that this Petition to Make Special has met all requirements set forth by 37 C.F.R. 1.102 and MPEP § 708.02(VIII), and respectfully requests that this Petition to Make Special be granted.

Zilka-Kotab, PC
P.O. Box 721120
San Jose, California 95172-1120

Telephone: 408.971.2573

Respectfully Submitted,

Kevin J. Zilka
Reg. No. 41,429

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